

### **REMARKS**

This Amendment is in response to the Office Action mailed on December 27, 2010. Claims 14, 23 and 24 are amended and are supported, for example, in paragraphs [0053-0058] and in Figs. 5A and 5B. No new matter is added. Claims 14-16 and 22-24 are pending.

#### **Examiner Interview:**

Initially, Applicant would like to thank Examiners Gupta and Renner for the courtesies extended to Kerry S. Culpepper, Esq, Seiji Hamada and Takaharu Ai during the in person interview of 18 February 2011. During the interview, the above amendments to claim 14 as well as the following remarks were discussed. Accordingly, the present submission can be considered applicant's substance of the interview.

#### **§102 Rejections**

Claims 14, 15 and 22-24 are rejected as being anticipated by Russell (US 6,327,679). This rejection is traversed.

Claim 14 recites an initialization processing module, which maintains at least the defect location information of the defect management information in each defect list entry for which defect management has been conducted upon receiving an execution instruction for a physical reformatting of the information recording medium.

Russell does not disclose or suggest these features. In comparison, in Russell (as pointed out in footnote 2 of the office action), during the reformatting, the unusable bit 224 is cleared. Since the unusable bit 224 indicates whether the replacement sector contains bad data, it can be assumed that the bad data in the replacement sector as well as all other data in the defect map table 214 in Russell is erased.

Claim 14 recites that the attribute (see second status field 1208) indicates whether significant user data is present in any of the defective and substitute areas. After reformatting, the attribute is set to indicate that significant user data is not present (see paragraph [0071] of the publication of the present application).

In the office action (in footnote 2), it was asserted that since the unusable bit 224 is cleared after reformatting, it thus indicates that no significant user data is present in the

defective or substitute areas. However, the bit 224 does not ever indicate *whether or not significant user data is present*. In fact, because the bit 224 only indicates whether the replacement sector identified contains bad data, the value of bit 224 will be set to clear in both a case in which no significant data is recorded and significant data is recorded if the data is not bad. That is, the bit 224 cannot distinguish between whether significant data is present in any of the defective area and the substitute area as called for in amended claim 14.

Accordingly, Russell fails to disclose (1) an initialization processing module, which maintains at least the defect location information of the defect management information and in each defect list entry for which defect management has been conducted upon receiving an execution instruction for a physical reformatting of the information recording medium; and (2) defect status information indicating an attribute of the defect list entry, the attribute indicating whether significant user data is present in any of the defective area and the substitute area, the attribute set to indicate that significant user data is not present in any of the defective area and the substitute area, upon receiving an execution instruction for a physical reformatting of the information recording medium.

For at least these reasons claim 14 is not suggested by Russell and should be allowed. Claims 15 and 22 depend from claim 14 and should be allowed for at least the same reasons.

Claims 23-24 also recite that the attribute (see second status field 1208) indicates whether significant user data is present in any of the defective and substitute areas. After reformatting, the attribute is set to indicate that significant user data is not present.

As discussed above, Russell fails to disclose defect status information indicating an attribute of the defect list entry, the attribute indicating whether significant user data is present in any of the defective area and the substitute area, the attribute set to indicate that significant user data is not present in any of the defective area and the substitute area, upon receiving an execution instruction for a physical reformatting of the information recording medium. Accordingly, it is respectfully requested that the rejection of claims 23-24 also be withdrawn.

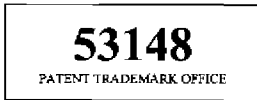
recording medium. Accordingly, it is respectfully requested that the rejection of claims 23-24 also be withdrawn.

§103 Rejections:

Claim 16 is rejected as being unpatentable over Russell in view of Kulakowski (US 5,303,219). This rejection is traversed. Claim 16 depends from claim 1 and should be allowed for at least the same reasons discussed above. Applicant does not concede the correctness of the rejection.

Conclusion:

Applicant respectfully asserts that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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